

Patent/Docket No. 30545.79
HES Docket No. 2000-IP001570U1

In re application of:
Ali Mese et al.

www.ck12.org

Examiner: unknown

For:
SYSTEM AND METHOD FOR TREATING A
FLUID IN A PIPE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In support of this petition, attached are the following documents:

1. Statement of Facts in Support of Filing on Behalf of Non-Signing Inventor (37 CFR 1.47) and Affidavit of John W. Wuestenberg and supporting documents;
2. Declaration by Inventors executed by Mohamed Y. Soliman and Clark Robison;
3. Declaration for Utility Patent Application (37 CFR 1.63) executed by Mohamed Y. Soliman and Clark Robison; and
4. Copy of Assignment document, assigning rights from Mohamed Y. Soliman and Clark Robison to Halliburton Energy Services.

10/14/2004 SSITHIB1 00000084 10762970

02 FC:1460

130.00 OP

The name and last known address of the inventor refusing to join in this application is as follows:

Dr. Ali Mese
10220 Memorial Dr
Houston, Texas 77024

The fee required under 37 C.F.R. §1.17(h) is enclosed.

Respectfully submitted,



Warren . Kice
Attorney for Applicant

Date: 10/7/04
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Phone: 214/651-5634
IP Fax: 214/200-0853
File: 30545.79

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

On October 7, 2004

Typed Name: SANDRA KUBIN

Signature Sandra Kubin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Ali Mese et al.

Serial No.: 10/762,970

Filed: January 22, 2004

For:
SYSTEM AND METHOD FOR TREATING A
FLUID IN A PIPE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



ဘာသာစကား

Art Unit: 3753

Examiner: unknown


Confirmation No.: 6362

**STATEMENT OF FACTS AND AFFIDAVIT OF JOHN W. WUSTENBERG
IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING INVENTOR (37 CFR 1.47)**

Dear Sir:

I, John W. Wustenberg, the undersigned, declare:

1. I am a registered patent attorney and am currently employed by Halliburton Energy Services, Inc., the Assignee of the above identified patent application, as (patent) Counsel.
2. I have made several attempts by letter through the United States Postal Service, electronic mail communications, and telephone conferences to obtain the signature of Ali Mese, one of the Inventors of this application, with no success. Copies of some of these communications and memorandum memorializing the phone conferences are attached.
3. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or document or any patent issuing therefrom.


John W. Wustenberg
Counsel for Halliburton Energy Services, Inc.

Date: 6 AUG 04

Witnessed:

Signature: Spela Güls

Date: August 6, 2004

Typed Name: Sheila Gibbs

HALLIBURTON

2600 SOUTH SECOND STREET • DUNCAN, OK 73536

May 7, 2004

COPY

Mr. Ali Mese
10220 Memorial Dr
Houston, TX 77024



Writer's Direct Dial:
580-251-3782

RE: HES 2000-IP-001570U1
SYSTEM AND METHOD FOR TREATING A FLUID IN A PIPE

Dear Mr. Mese:

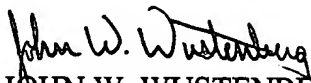
Enclosed for your file is a copy of the above-referenced patent application as filed in the United States Patent Office.

Also enclosed for your signature are two (2) Declaration documents and two (2) Assignment documents. Please sign and date each Declaration document. The Assignment documents will need to be signed in the presence of a notary public.

Please return all four executed documents to me for filing in the United States Patent Office.

Thank you.

Sincerely,


JOHN W. WUSTENBERG
Counsel

JWW:sdg

Enclosures

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MAY 10 2004

JOHN W. MUSTENBERG

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(Endorsement Required)

Total Postage & Fees

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Ali Mese

Street, Apt. No., or PO Box No.

10220 Memorial Dr

City, State, ZIP+4

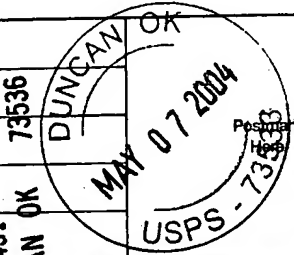
Houston, TX 77024

PS Form 3800, July 1999

See Reverse for Instructions

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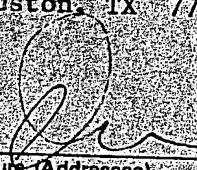

HALI BURTON ENERGY SERVICE
BOX 1431
DUNCAN OK



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MAY 12 2004

EDDY, WUSTENBERG

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| SENDER: <ul style="list-style-type: none">• Complete items 1 and/or 2 for additional services.• Complete items 3, and 4a & b.• Print your name and address on the reverse of this form so that we can return this card to you.• Attach this form to the front of the mailpiece, or on the back if space does not permit.• Write "Return Receipt Requested" on the mailpiece below the article number.• The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery. | | <p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address</p> <p>2. <input checked="" type="checkbox"/> Restricted Delivery</p> <p>Consult postmaster for fee.</p> | |
| 3. Article Addressed to: Ali Mese 10220 Memorial Dr Houston, TX 77024 | | 4a. Article Number | |
| 5. Signature (Addressee)  | | 4b. Service Type: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail Signature of Addressee | |
| 6. Signature (Agent)  | | 7. Date of Delivery | |
| | | 8. Addressee's Address (Only if requested and fee is paid) | |

PS Form 3811, November 1990 5 U.S. GPO 1991-287-068

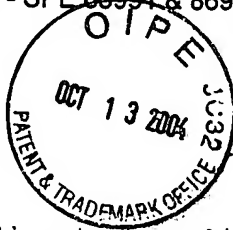
DOMESTIC RETURN RECEIPT

John Wustenberg

COPY

From: Ali Mese [a.mese@att.net]
Sent: Monday, May 10, 2004 3:31 PM
To: John Wustenberg
Cc: Daniel Bour; William Shull; David King - VP - Prod Opt; Jim Prestidge; William Imwalle
Subject: RE: SPE Papers - SPE 86991 & 86992 - Concerns of Ali Mese, former Halliburton Employee

Importance: High
Sensitivity: Confidential



John,

Mr. Soliman does have anything with patent application of "System and Method for treating a fluid in a pipe, HES 2000-IP-001570U1". Therefore his name should not be in the inventor's list

He was the team leader and according to him I should had to send my disclosures for patent applications directly to him to contact Legal in the Halliburton. Unfortunately by using his position he listed himself as a second inventor in the patent of

1 6,719,055, Method for drilling and completing boreholes with electro-rheological fluids

and as a first inventor in the patent of

2 6,619,394, Method and apparatus for treating a wellbore with vibratory waves to remove particles therefrom

Using of his team leader position (You can contact Paul Rodney and Harry Smith for detailed information about these patents)

I have only one times met with Mr. Clark in my entire life not more than 30 minutes. I do not know his relation with Mr. Soliman, but definitely I do know that he does have anything with this patent "HES 2000-IP-001570U1, System and Method for treating a fluid in a pipe".

Best Regards
Ali Mese PhD, PE
Geomechanics Engineering and Research
Voice: 281 546 2480
E-mai: ali.mese@geomech.org

-----Original Message-----

From: William Imwalle [mailto:Bill.Imwalle@Halliburton.com]
Sent: Monday, March 15, 2004 5:10 PM
To: Ali Mese
Cc: Daniel Bour; William Shull; David King - VP - Prod Opt; Jim Prestidge
Subject: SPE Papers - SPE 86991 & 86992 - Concerns of Ali Mese, former Halliburton Employee
Sensitivity: Confidential

Bill
William M. Imwalle
Assistant General Counsel - Intellectual Property Halliburton Energy Services, Inc. MC 1-B-121 2601 Belt Line Road Carrollton, Texas 75006 Tel. (972) 418-3886 Fax (972) 418-3877
e-mail: bill.imwalle@halliburton.com

John Wustenberg

COPY

From: Ali Mese [a.mese@att.net]
Sent: Tuesday, May 11, 2004 2:19 PM
To: John Wustenberg
Cc: William Shull; David King - VP - Prod Opt; Jim Prestidge; William Imwalle; Vik Rao
Subject: Patent application
Importance: High
Sensitivity: Confidential



John,

The attached is the original disclosure Email sent to M. Soliman at July, 10, 2000. If you pay attention it was only just a few months later that I have started to work with Halliburton. Mohamed was the team leader and there was not any fund to work on this idea. It was a unique idea and thought that KRB will take so many advantages from this patent on their pipeline projects. Therefore I improved the patent at my spare time without getting any funding or help from Mohamed or anybody else. He does not any back ground or idea about these technologies including ER (electro viscous fluids, which again add his name without letting me know) and sonic stimulation. I am feeling that it is a shame for person especially with a PhD to trying to survive with other people's works and ideas. My understanding the Code of Ethics of Halliburton is not clear enough to prevent these.

If you correct to paper work of the application "System and Method for Treating a Fluid in a Pipe" including my citizen ship (I am an American) I will sign it and send it back to you.

Best Regards
 Ali Mese

<<...>>

5/11/2004



HALLIBURTON

TECHNOLOGY CENTER • 2600 SOUTH SECOND STREET • DUNCAN, OK 73536-0440

PHONE 580.251.3782 • FAX 580.251.3917

INTER-OFFICE MEMORANDUM

TO: File

FROM: John W. Wustenberg

DATE: June 1, 2004

RE: File No. 2000-IP-001570U1

Telephone conference with Bill Imwalle and Mohamed Soliman regarding allegations by Ali Mese.

Mohamed believes the following claims were jointly invented by all himself, Ali, and Clark Robison: 1-7, 9, 11-23, and 25.

Mohamed believes the following claims were probably solely invented by Ali: 8, 10, 24, and 26.

HALLIBURTON

2600 SOUTH SECOND STREET • DUNCAN, OK 73536

COPY

June 2, 2004

Writer's Direct Dial:
580-251-3782

Dr. Ali Mese
10220 Memorial DR
Houston, TX 77024



RE: HES 2000-IP-001570U1
SYSTEM AND METHOD FOR TREATING A FLUID IN A PIPE

Dear Dr. Mese:

I have enclosed two (2) Declaration documents and two (2) Assignment documents for your signature. The Declaration has been changed as you requested to reflect your United States citizenship.

Also as you requested, I have investigated the inventorship of the invention described and claimed in the above-referenced patent application. The file contained a series of email messages between you, Dr. Mohamed Soliman, and others concerning the decision by the Completion Products patent committee not to pursue patent protection for the invention. Included in the email chain was a message from you to Dr. Soliman referring to "[o]ur invention disclosure." Subsequent conversations with Dr. Soliman and a review of the history concerning the subject invention have convinced me that you, Dr. Soliman, and Clark Robison have each contributed to the claimed invention and, accordingly, you, Dr. Soliman, and Clark Robison are properly named as joint inventors.

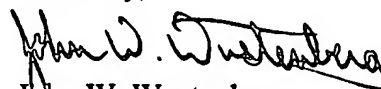
Pursuant to your obligation to "rend[er] assistance and execut[e] necessary documents" under the EMPLOYEE INVENTION AND CONFIDENTIAL INFORMATION AGREEMENT signed by you on January 15, 1998, I request that you sign and return to me the two (2) duplicate original Declaration documents and the two (2) duplicate original Assignment documents. The Assignment documents will need to be signed by you in the presence of a notary public.

A copy of the above-referenced patent application as filed in the United States Patent Office was provide to you with our previous letter dated May 7, 2004.

Please return all four (4) executed documents to me by June 18, 2004, for filing in the United States Patent Office.

Thank you.

Sincerely,


John W. Wustenberg
Counsel

JWW:sdg
Enclosures



EMPLOYEE INVENTION AND CONFIDENTIAL INFORMATION AGREEMENT

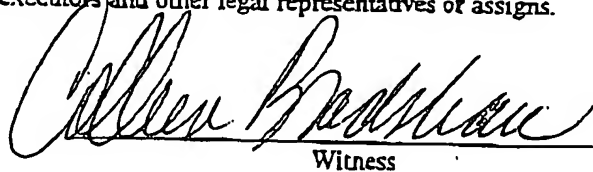
In consideration of my employment or the continuation of my employment by Dresser Industries, Inc., its subsidiaries or affiliates, I agree that:

1. I shall promptly disclose to Dresser Industries, Inc., or its designee any and all inventions, developments or innovations (hereinafter referred to as "said inventions"), whether patentable or unpatentable, copyrightable or uncopyrightable, made or conceived by me, either solely or jointly with others: (a) during the terms of my employment that relate to, or arise out of, any developments, services or products of, or pertain to the business of Dresser Industries, Inc., or any of its subsidiaries or divisions and (b) for a period of six (6) months after termination of my employment said inventions that relate to, or arise out of, any developments, services or products that I have been concerned with during the terms of my employment.
2. I hereby assign and agree to assign to Dresser Industries, Inc., its successors and assigns, my entire right, title and interest in and to any of said inventions.
3. I shall, without further compensation, do all lawful things, including: maintaining invention records which shall be the property of Dresser Industries, Inc., rendering assistance and executing necessary documents, as requested, to enable Dresser Industries, Inc., to file and obtain patents in the United States and foreign countries on any of said inventions, as well as to protect Dresser Industries, Inc.'s, interest in any of said inventions.
4. I am listing on the back of this agreement all inventions relating to any development, service or product of or pertaining to the business of Dresser Industries, Inc., and any subsidiaries or divisions thereof that were owned or controlled by me at the time of entering its employment and which shall be excluded from this agreement.
5. I shall not, during the term of my employment or thereafter, disclose to others or use any confidential technical business information belonging either to Dresser Industries, Inc., or to a customer or client of Dresser Industries, Inc.'s, except as authorized in writing, respectively, by Dresser Industries, Inc., or such customer or client. "Confidential technical or other confidential business information" means any information which I learn or originate during the course of my employment, regardless of whether it is written or otherwise tangible that (a) is not generally available to the public and (b) gives one who uses it an advantage over competition.
6. Upon termination of my employment, I shall surrender to Dresser Industries, Inc., and all things such as drawings, manuals, documents, photography, computer programs and the like (including all copies thereof) that I have in my possession relating to the business of Dresser Industries, Inc., or any division or subsidiary thereof.
7. I understand that Dresser Industries, Inc., utilizes an electronic mail system ("E-Mail") to facilitate the dissemination of information within the corporate environment. E-Mail, including all individual communications, is by its very nature, corporate property. Although employees may use E-Mail for general messages, it is not intended as a private or personal communication medium. I understand that all E-Mail messages are subject to review while on the system and also whom on "back-up" media such as computer tape, and therefore, no "right to privacy" exists with respect to E-Mail. As such, use of E-Mail is no different than publishing a memorandum for general distribution within the corporation. Due to business requirements that may arise, I understand that those not included on the original distribution list may read my E-Mail. I also agree to abide by and participate in corporate E-Mail records retention policy.
8. This agreement may not on behalf of or in respect to Dresser Industries, Inc., be modified or terminated in whole or in part, except by an instrument signed by an officer or other authorized executive of Dresser Industries, Inc.
9. I agree that this agreement shall be binding upon my heirs, executors and other legal representatives or assigns.

ALI I MESE

Employee Name (Print)

Signature


Witness

01/15/1998

Date

HALLIBURTON

2600 SOUTH SECOND STREET • DUNCAN, OK 73536

June 9, 2004

COPY

Dr. Ali Mese
10220 Memorial DR
Houston, TX 77024



Writer's Direct Dial:
580-251-3782

RE: HES 2000-IP-001570U1
SYSTEM AND METHOD FOR TREATING A FLUID IN A PIPE

Dear Dr. Mese:

I have enclosed two (2) Declaration documents and two (2) Assignment documents for your signature. The Declaration has been changed as you requested to reflect your United States citizenship.

Also as you requested, I have investigated the inventorship of the invention described and claimed in the above-referenced patent application. The file contained a series of email messages between you, Dr. Mohamed Soliman, and others concerning the decision by the Completion Products patent committee not to pursue patent protection for the invention. Included in the email chain was a message from you to Dr. Soliman referring to "[o]ur invention disclosure." Subsequent conversations with Dr. Soliman and a review of the history concerning the subject invention have convinced me that you, Dr. Soliman, and Clark Robison have each contributed to the claimed invention and, accordingly, you, Dr. Soliman, and Clark Robison are properly named as joint inventors.

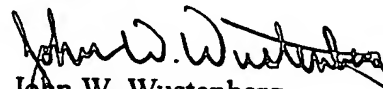
Pursuant to your obligation to "rend[er] assistance and execut[e] necessary documents" under the EMPLOYEE INVENTION AND CONFIDENTIAL INFORMATION AGREEMENT signed by you on January 15, 1998, I request that you sign and return to me the two (2) duplicate original Declaration documents and the two (2) duplicate original Assignment documents. The Assignment documents will need to be signed by you in the presence of a notary public.

A copy of the above-referenced patent application as filed in the United States Patent Office was provide to you with our previous letter dated May 7, 2004.

Please return all four (4) executed documents to me by June 25, 2004, for filing in the United States Patent Office.

Thank you.

Sincerely,


John W. Wustenberg
Counsel

JWW:sdg
Enclosures



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JUN 10 2004

JOHN W. WUSTENBERG

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| Name (Please Print Clearly; to be completed by mailer) John W. Wustenberg | |
| Street, Apt. No., P.O. Box 2600 South Second Street | |
| City, State, ZIP+4 Duncan, OK 73536-0440 | |
| PS Form 3800, July 1999 | |

See Reverse for Instructions

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HALLIBURTON

TECHNOLOGY CENTER • 2600 SOUTH SECOND STREET • DUNCAN, OK 73536-0440
PHONE 580.251.3782 • FAX 580.251.3917

INTER-OFFICE MEMORANDUM

TO: File
FROM: John W. Wustenberg
DATE: June 14, 2004
RE: File No. 2000-IP-001570U1



TC with Dr. Mese at 2:30 p.m. Dr. Mese said that he would not sign the Declaration unless I could convince him that Dr. Soliman and Clark Robison were joint inventors. He stated that it would be illegal for him to sign.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Ali Mese et al.

Serial No.: 10/762,970

Filed: January 22, 2004

For:
SYSTEM AND METHOD FOR TREATING A
FLUID IN A PIPE



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Art Unit: 3753

Examiner: unknown

Confirmation No.: 6362

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION BY INVENTORS


We, Mohamed Y. Soliman and Clark Robison, are inventors of the above-identified application, and believe that we are entitled to make such application on behalf of Ali Mese pursuant to 37 C.F.R. §1.47(a).

A Statement of Facts and Affidavit of John W. Wustenberg in Support of Filing on Behalf of Non-Signing Inventor (37 CFR 1.47) is attached hereto outlining the facts and circumstances surrounding Mr. Mese's refusal to sign.

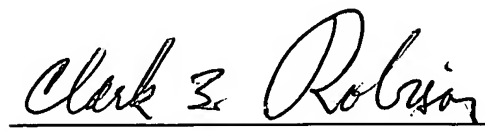
Based upon the foregoing, We, Mohamed Y. Soliman and Clark Robison, are entitled to clear title to the invention, to the above-identified patent application, and to any patent that issues thereon.

The fee required under 37 C.F.R. §1.17(h) is enclosed.

Respectfully submitted,


Mohamed Y. Soliman

8-9-2004
Date


Clark Robison

9-20-2004
Date